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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,023	01/13/2000	Devendra T. Barot		6462

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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

09/482,023

Applicant(s)

BAROT, DEVENDRA T.

Examiner

Basia Ridley

Art Unit

1764


--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 06 April 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37 within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☒ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.



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Continuation of 10. Other (including any explanation in support of the above items):

The brief does not contain a section under an appropriate heading identifying by name the real party of interest as required by 37 CFR 41.37(c)(1)(i). Said statement is required even if the party named in the caption of the brief is the real party of interest.

Regarding paragraph 3 above, the brief does not contain the statement of the status of the following amendments filed subsequent to the last Office Action on the merits: Amendment filed on 28 September 2004 which was not entered; Amendment filed on 14 December 2004 which was not entered; Amendment filed on 1 April 2005 which was entered; and Amendment filed on 6 April 2005 which was entered.

The copy of translation of Takada et al. (JP 61-222939) provided in Appendix C is missing page showing Figures 1 and 2. Additionally, the Table on page 4 of said translation refers to the original description which was not provided.

Attachments: PTO-303 (Advisory Action regarding Amendment filed on 1 April 2005), Paper No. 062305-01
PTO-304 (Advisory Action regarding Response filed on 6 April 2005), Paper No. 062305-02

Advisory Action After the Filing of an Appeal Brief	Application No.	Applicant(s)	
	09/482,023	BAROT, DEVENDRA T.	
	Examiner	Art Unit	
	Basia Ridley	1764	

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The reply filed 06 April 2005 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: Status Of The Claims After Entry:

Rejected: 10, 15, 17-20, 31, 32, 34, 35 and 37-40.

Allowed: none.

Withdrawn: 22-29.

Objected: none.

Cancelled: 1-9, 11-14, 16, 21, 30, 33 and 36.

Appealed: 10, 15, 17-20, 31, 32, 34, 35 and 37-40.


BASIA RIDLEY
PRIMARY EXAMINER